

Remarks

Claims 11 and 20 are amended. Claims 11 to 20 are pending in this application of which only claims 11 and 20 are in independent form.

Applicants' attorney thanks Examiner Peché for the telephone interview scheduled for April 2, 2010 at 2:00 pm mutually agreed to in a telephone call between Examiner Peché and applicants' attorney on March 23, 2010. At the interview, the Examiner and applicants' attorney will discuss the amendment herein and a determination will be made as to whether a request for continued examination (RCE) can be avoided.

In the action, the Examiner noted that the applicants' argument on page 7, fourth paragraph, in the remarks of the amendment filed on July 23, 2009, was not incorporated into the applicants' claims. The applicants' argument quoted in the action is with reference to Kato et al and is as follows:

"The above clearly shows that the spring constant is proportional to the gradient of the pedal pressing force as a function of the pedal position. Such a gradient is nowhere discussed in Kato et al for detecting the operator-controlled function."

The Examiner correctly noted that the above description was not in the claim language and invited the applicants to amend their claims to include:

"the gradient of the pedal pressing force as a function of the pedal position."

In view of the Examiner's suggestion, applicants have

amended claim 11 to include the feature and limitation of:

"realizing different operator-controlled functions of said operator-controlled element in dependence upon the degree of displacement or position of said operator-controlled element wherein changes in a pressing force applied by an operator to said operator-controlled element are a function of the position thereof;" (emphasis added)

The above clause does not include the word "gradient" but relies on the wording of their disclosure which essentially means the same. Thus, on page 5, lines 15 to 17, the applicants' disclosure recites:

"Several different degrees α of actuation can be adjusted depending upon how strongly or with what force the driver actuates the accelerator pedal 1." (emphasis added)

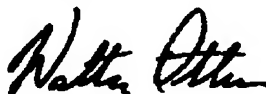
From the above, it can be seen that the amendment of claim 11 herein corresponds closely to the wording in the applicants' disclosure as well as to the wording suggested by the Examiner in the action.

The feature and limitation added to claim 11 is nowhere suggested in Kato et al so that claim 11 should now patentably distinguish the applicants' invention over this reference and be allowable. Claims 12 to 19 are all dependent directly or indirectly from claim 11 so that they too should now be allowable.

Claim 20 parallels claim 11 in an apparatus context and has been amended in the same way as claim 11 so that this claim too should be allowable.

Applicants' attorney expresses his appreciation to
Examiner Peche for reviewing this amendment and for the upcoming
telephone interview scheduled for April 2, 2010.

Respectfully submitted,



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